

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 25-42 are now present in the application. Claims 30-32 and 39-42 have been withdrawn from consideration by the Examiner. Claims 25 and 33 are independent.

The Office Action dated July 21, 2008 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Claim Objections

Claims 33 and 35 have been objected to because of informalities. Responsive thereto, Applicant has adopted the helpful suggestions provided by the Examiner. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Allowable Subject Matter

In the Office Action, claims 33-38 have been allowed and claims 27-29 have been indicated as containing allowable subject matter, subject to rewriting in independent form. Applicant appreciates this early indication of allowable subject matter.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 25 and 26 stand rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6,674,919 to Ma et al. (“Ma”). Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse the rejection. A complete discussion of the Examiner’s rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. *See M.P.E.P. § 2131; M.P.E.P. § 706.02.*

Claim 25 requires, *inter alia*, preprocessing means for determining an edge portion of an input image and transforming the edge portion into a histogram of brightness, and binarization process means for binarizing the preprocessed input image. These are means plus function recitations that must both determine an edge portion of an input image and then prepare a histogram of the brightness of the edge portions, and binarization process means must binarize the preprocessed image. Note that by definition a histogram is a representation of a frequency distribution wherein areas are proportional to the corresponding frequencies.

To the contrary, the fact that in step 32 of Ma the scanned “pixel-based gray-scale image created by the scanning process is converted to a binary, e.g., black and white, image” does not necessarily mean that Ma contains the claimed “preprocessing means for determining an edge portion of an input image and transforming the edge portion into a histogram of brightness.” No histogram of the brightness of edge portions is prepared. Gray scale data can be converted to binary without forming a histogram, and Ma says nothing about transforming the edge portion into a histogram of brightness, nor binarizing the preprocessed input image by binarization process means. Applicant respectfully submits that this combination of features as set forth in independent claim 25 is neither disclosed nor inherent by the prior art including Ma.

With respect to claim 26, it is submitted that since there is no input image transformed into a histogram in Ma, the binarization process means does not determine a threshold value in the binarization of the image on that basis. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.


Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: October 15, 2008

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments